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Reply dated 6 July 2006  
Responsive to Final Office Action mailed on 9 June 2006

#### REMARKS

##### **Amendment to the Claims**

The previously pending Claims 1-14 have been cancelled and new Claims 15-34 have been added in this Reply. All of the new claims are fully supported by the original disclosure such that no new matter has been added by way of this amendment.

##### **Previous claim objections**

The cancellation of Claims 6 and 9 has obviated the objections related to them that were stated in the Final Office Action mailed on 9 June 2006.

##### **Previous claim rejections**

The cancellation of all of the previously pending claims has obviated their rejections in the Final Office Action mailed on 9 June 2006.

##### **Relationship of new claims to previously cited reference**

The European Patent Application No. EP 0 433 951 to Endres *et al.* was cited in the Final Office Action. The new claims distinguish the present invention from what is disclosed in this reference in at least the following ways.

##### Slit opening in topsheet

Each of the independent Claims 15, 20, and 28 contains the limitation that the **topsheet** has a **slit opening** providing access into the **void space** that is formed between the **topsheet** and the **backsheet**. Slit openings are described throughout the present specification and are clearly shown in Figures 1 and 2. These descriptions and depictions are entirely consistent with the plain meaning of the term "slit", which is "a long narrow cut or opening" (Merriam-Webster Online Dictionary visited on 5 July 2006).

In contrast, the cited Endres *et al.* EP reference discloses a *topsheet 26* having an *opening 38* that is not a slit. Instead, the *opening 38* is a rectangle. Specifically, the laterally opposing sides of the rectangular opening 38 are formed by the longitudinally extending *distal portions 68* of the *containment flaps 58*, which are clearly and explicitly spaced apart laterally. The longitudinally

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opposing ends of the rectangular opening 38 are formed by the laterally extending unidentified *transverse folded edges* of the *topsheet 26*, which *transverse folded edges* are clearly shown in Figs. 5-8 of Endres *et al.* The clearest depictions of these *transverse folded edges* are found in Figs. 6 and 7, where the unidentified *folded flaps* created by the folding of the *topsheet 26* at the *transverse folded edges*, as well as the unidentified *free transverse edges* of the *folded flaps*, are shown in detail and fully visible. The *transverse folded edges* are also clearly shown in Figs. 5 and 8 by means of the solid transverse lines indicating the *transverse folded edges* themselves and the adjacent and parallel dashed lines indicating the unidentified *free transverse edges* of the unidentified *folded flaps* created by the folding of the *topsheet 26* at the *transverse folded edges*.

Slit opening end edges having form of points

Each of the independent Claims 20 and 28 contains the limitations that the longitudinally opposing end edges of the **slit opening** have the form of points where the converging side edges of the **slit opening** meet. In other words, as clearly shown in Figures 1 and 2, the **slit opening 30** comes to a point at each of its longitudinally opposing end edges 41, 42.

In contrast, as noted above, the longitudinally opposing ends of the rectangular opening 38 of Endres *et al.* are formed by the laterally extending unidentified *transverse folded edges* of the *topsheet 26*. These laterally extending unidentified *transverse folded edges* clearly do not have the forms of points. In other words, as clearly shown in Figs. 5, 6, and 8 of Endres *et al.*, the rectangular opening 38 does not come to a point at each of its longitudinally opposing laterally extending ends.

Slit opening having hexagonal shape

The independent Claim 28 contains the limitations that the **slit opening** has an irregular hexagonal shape including longitudinally opposing **triangular portions**, where the side edges of the **slit opening** converge together to form the longitudinally opposing **first and second end edges** of the **slit opening** as explained above, and a **rectangular portion** connecting the **triangular portions**, the side edges being substantially parallel to each other in the **rectangular portion**. This irregular hexagonal shape of the **slit opening 30** is clearly described in the specification and is shown in Figures 1 and 2.

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In contrast, as noted above, the *opening 38* of Endres *et al.* is rectangular, *i.e.*, it has four sides, rather than six sides like a hexagonal shape. Obviously, the rectangular shape of the *opening 38* of Endres *et al.* does not include any triangular portion.

#### Extent of elasticated regions

The dependent Claims 16, 21, and 29 contain limitations requiring the **elasticated regions** to extend longitudinally all the way from the **first elastic waistband** in the **first waist region** to the **second elastic waistband** in the **second waist region**. In addition, Claim 16 contains the limitation that the **elasticated regions** are attached to the **first elastic waistband** and the **second elastic waistband**. Please note that the term "attach" is explicitly defined on page 5 at lines 5 and 6 of the specification as meaning that an element is directly secured to another element by affixing the element directly to the other element. Thus, the referenced limitation in Claim 16 means that the **elasticated regions** are directly secured to the **first elastic waistband** and the **second elastic waistband**. Also please note that this explicit meaning of the term "attach" is different from the explicit meaning of the terms "joined" and "connected", which are defined in the paragraph immediately following the referenced paragraph. Specifically, the latter terms are more general and their meaning encompasses both indirect securement *via* an intermediate element as well as the direct securement connoted by the term "attached".

In contrast, the *distal portions 68* of the *containment flaps 58* of Endres *et al.* are clearly shown and described to extend less far longitudinally, specifically never reaching the *back waist elastic 80* identified in Figs. 5 and 8, much less being directly secured to it.

#### Direct attachment of elastic bands to elastic waistbands

The dependent Claims 22 and 30 contain the limitations that the **elasticated regions** comprise **elastic bands** extending longitudinally between, and being attached to, the **first elastic waistband** and the **second elastic waistband**. Please note again that the term "attach" is explicitly defined as meaning that an element is directly secured to another element by affixing the element directly to the other element. Thus, the referenced limitations in Claims 22 and 30

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mean that the elastic bands are directly secured to the first elastic waistband and the second elastic waistband.

In contrast, the *elastic members 66* in the *distal portions 68* of the *containment flaps 58* of *Endres et al.* are clearly shown and described to extend less far longitudinally, specifically never reaching the *back waist elastic 80* identified in Figs. 5 and 8, much less being directly secured to it.

Summary regarding relationship of new claims to previously cited reference

The *Endres et al.* EP reference that was cited in the Final Office Action neither anticipates nor makes obvious any of the new claims. Accordingly, it is respectfully requested that all of these claims be allowed.

Respectfully submitted,  
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